

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RALPH W. MCCLAIN, JR.,
Plaintiff

v.

MICHAEL LEANDER DAVIS, *et al.*,
Defendants

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: CIVIL NO. 1:12-CV-352
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ORDER

AND NOW, this 16th day of April, 2012, upon consideration of the Report and Recommendation ("R&R") of Magistrate Judge Smyser (Doc. 8), to which no objections have been filed, and upon independent review of the record, the court finds no error in the R&R and concludes that the R&R should be adopted.

Accordingly, it is ORDERED that:

1. The R&R (Doc. 8) is adopted.
2. Plaintiff's § 1983 claims against Defendant Breeland are dismissed. Furthermore, we decline to exercise supplemental jurisdiction over state law claims against Defendant Breeland. Accordingly, all claims against Defendant Breeland are dismissed.
3. This case is remanded to Magistrate Judge Smyser for further proceedings.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge